

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**IN RE**

2018 Mercedes-Benz Sprinter 2500  
Van, VIN: WD3PE8CD3JP604531  
(22-DEA-691040)

**Misc. No.:** 22-51493

**Honorable:** Gershwin A. Drain

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**Stipulation and Order Extending United States' Time to File  
Forfeiture Complaint and to Toll the Civil Filing Deadline**

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It is hereby stipulated by and between the United States of America, by and through its undersigned attorneys, Zijad Balic on behalf of Northwest Transportation Inc., by and through counsel, James C. Thomas, and Marvin DeLong on behalf of Huntington National Bank (collectively referred to herein as the "Parties"), as follows:

1. On or about April 13, 2022, the Drug Enforcement Administration ("DEA") seized the following property: 2018 Mercedes-Benz Sprinter 2500 Van, VIN: WD3PE8CD3JP604531 (22-DEA-691040) ("Subject Property").
2. The Parties acknowledge and stipulate that DEA provided notice as required by 18 U.S.C. § 983(a)(1)(A) of the seizure and its intent to administratively forfeit the Property to all known interested parties, including notice to Northwest Transportation Inc. and Huntington National Bank.
3. The following claims have been submitted to DEA in the

administrative forfeiture proceedings regarding the Subject Property:

- a. On June 28, 2022, Zijad Balic on behalf of Northwest Transportation Inc., through counsel, James C. Thomas, filed an online claim concerning the Subject Property; and
- b. On June 30, 2022, Marvin DeLong on behalf of Huntington National Bank, filed a claim concerning the Subject Property.

4. DEA referred the administrative claims to the United States Attorney's Office for civil judicial forfeiture proceedings.

5. Pursuant to 18 U.S.C. § 983(a)(3)(A) and (B), within 90 days after a claim has been filed in an administrative forfeiture proceeding, the United States is required to do one of the following:

- (a) file a complaint for forfeiture against the claimed property,
- (b) return the claimed property, or
- (c) include the claimed property for forfeiture in a criminal action,

in order for the United States to take further action to effect the civil forfeiture of the claimed property in connection with the underlying offense, unless the court extends the deadline for good cause shown or by agreement of the parties. In this case, the Subject Property deadline, pursuant to the prior Ex Parte Order to Extend the Time to File a Complaint for Forfeiture entered on September 26, 2022 (ECF No. 3), is **December 27, 2022**.

6. As provided in 18 U.S.C. § 983(a)(3)(A), the parties wish by agreement to further extend the 90-day deadline set forth in 18 U.S.C. § 983(a)(3)(A) and (B), and to toll the deadline, in order for the parties to have a reasonable and sufficient period in which to evaluate their respective interests in and positions regarding the Property.

7. Northwest Transportation Inc. and Huntington National Bank knowingly, intelligently, and voluntarily gives up any rights they may have under 18 U.S.C. § 983(a)(3)(A) and (B) to require the United States to file a complaint for forfeiture against the Property, to return the Property, and/or to include the Property for forfeiture in a criminal action by **December 27, 2022**.

8. The parties agree that the deadline by which the United States shall be required to file a complaint for forfeiture against the Property, to return the Property, and/or to include the Property for forfeiture in a criminal action to toll the civil filing deadline shall be extended **62 days** from **December 27, 2022** to and including **February 27, 2023**.

9. Northwest Transportation Inc. and Huntington National Bank waive all constitutional and statutory challenges related to the foregoing extension and give up any rights they may have to seek dismissal of any civil forfeiture complaint and/or any criminal forfeiture allegation in a criminal action on the ground that forfeiture proceedings were not timely commenced. Northwest Transportation Inc.

and Huntington National Bank further waive and agree to the tolling of any rule or provision of law limiting the time for commencing, or providing notice of, forfeiture proceedings with respect to the Property, including, but not limited to, the limitations contained in 18 U.S.C. § 983 and 19 U.S.C. § 1621.

10. Northwest Transportation Inc. and Huntington National Bank agree that until the United States files a complaint for forfeiture against the Property and/or alleges forfeiture of the Property in a criminal action, or until **February 27, 2023**, whichever occurs first, the Property shall remain in the custody of the United States and Northwest Transportation Inc. and/or Huntington National Bank shall not seek its return for any reason in any manner.

11. By signing below, James C. Thomas declares that prior to signing this Stipulation, he provided a copy of it to Zijad Balic on behalf of Northwest Transportation Inc., reviewed it with Zijad Balic on behalf of Northwest Transportation Inc., consulted with Zijad Balic on behalf of Northwest Transportation Inc. regarding its contents, answered any questions Zijad Balic on behalf of Northwest Transportation Inc. had about it, determined that Zijad Balic on behalf of Northwest Transportation Inc. understand its terms and is aware of Northwest Transportation Inc.'s rights in this matter, and Zijad Balic on behalf of Northwest Transportation Inc. authorized James C. Thomas to sign this Stipulation.

12. By signing below, Marvin DeLong, on behalf of Huntington National

Bank, declares that prior to signing this Stipulation, he reviewed the Agreement, had an opportunity to consult with an attorney regarding the Agreement, understands its terms, is aware of Huntington National Bank's rights in this matter and agrees with all of the terms and conditions listed.

13. By their signatures below, the Parties agree to all of the terms and conditions stated herein.

Approved as to form and substance:

Dawn N. Ison  
United States Attorney

S/Adriana Dydell  
Adriana Dydell (CA 239516)  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
(313) 226-9125  
Adriana.Dydell@usdoj.gov

Dated: December 21, 2022

S/James C. Thomas (with consent)  
James C. Thomas  
Attorney for Northwest Transportation Inc.  
12900 Hall Road, Suite 350  
Sterling Heights, MI 48313  
(586) 726-1000  
jthomas@orlaw.com

Dated: December 21, 2022

S/Marvin DeLong (with consent)  
Huntington National Bank  
By: Marvin DeLong  
7 Easton Oval  
OPC857  
Columbus, OH 43219  
(877) 742-9278  
marvin.delong@huntington.com

Dated: December 21, 2022

**IT IS SO ORDERED.**

Date: December 27, 2022

s/Gershwin A. Drain

UNITED STATES DISTRICT JUDGE

Honorable Gershwin A. Drain